IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 7399 of 2005

Between:

K.R. Reddy, S/o. Prabhakar,
R/o. Nalgonda, Nalgonda District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Nalgonda Region,

Nalgonda District.
2 The Depot Manager, APSRTC, Nalgonda Division,

Nalgonda District.
3 The Depot Manager, APSRTC, Narkatpally Depot,

Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the Proceeding No. TYA/62(125)/94 NKP Dt. 20-10-1994 as illegal, arbitrary, and unjust and consequently set aside the proceedings Proceeding No. TY A/62(125)/94 NKP dt. 20-10-1994 issued by the 3rd Respondent and pass such further other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent Nos.1 to 3: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the admission stage made the following:

ORDER:

Declaring the action of the 3rd respondent in issuing proceedings No.TYA/62(125)/94-NKP, dated 20.10.1994, as illegal and arbitrary, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned standing Counsel for the respondents.

After issuing charge sheet the impugned proceedings have been passed withholding the annual increment of the petitioner for a period of one year, which shall have effect on his future increments. There cannot be any dispute that major penalty cannot be imposed without conducting any departmental enquiry. Withholding of annual increment for a period of one year with cumulative effect is a major penalty, which cannot be imposed unless preceded by an enquiry.

Therefore, the impugned proceedings dated 20.10.1994 are set aside. The respondents are directed to conduct a regular departmental enquiry, after affording reasonable opportunity to the petitioner, in accordance with law, rules and regulations of the Corporation, and take appropriate decision.

The Writ Petition is, accordingly, allowed to the extent as indicated above. No order as to costs.

Dated: 05.04.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager, APSRTC,

Nalgonda Region, Nalgonda District

2. The Depot Manager, APSRTC,

Nalgonda Division, Nalgonda District

3. The Depot Manager, APSRTC,

Narkatpally Depot, Nalgonda District

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